

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WADE K. MARLER, DDS, *et al.*,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

NO. 2:20-cv-00616-BJR

KARA MCCULLOCH DMD MSD PLLC, *et al.*,

Plaintiffs,

v.

VALLEY FORGE INSURANCE
COMPANY, *et al.*,

Defendants.

NO. 2:20-cv-00809-BJR

CABALLERO,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE
COMPANY,

Defendant.

NO. 3:20-cv-05437-BJR

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 1

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

CHORAK, *et al.*,

Plaintiffs,

v.

HARTFORD CASUALTY INSURANCE
COMPANY, *et al.*,

Defendants.

NO. 2:20-CV-00627-BJR

PACIFIC ENDODONTICS, P.C., *et al.*,

Plaintiffs,

v.

OHIO CASUALTY INSURANCE
COMPANY, *et al.*,

Defendants.

NO. 2:20-CV-00620-BJR

NGUYEN, *et al.*,

Plaintiffs,

v.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA, *et al.*,

Defendants.

NO. 2:20-cv-00597-BJR

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 2

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

LA COCINA DE OAXACA LLC,

NO. 2:20-CV-01176-BJR

Plaintiff,

v.

TRI-STATE INSURANCE COMPANY OF
MINNESOTA,

Defendant.

STIPULATION

1. Pursuant to this Court's Minute Order dated November 24, 2020 (the "Scheduling Order"), the seven sets of Insurer-Family Defendants in the above-captioned actions each responded to Plaintiffs' complaints by filing a motion to dismiss under Fed. R. Civ. P. 12 (the "Rule 12 Motions") on January 15, 2021.

2. The Scheduling Order applied LCR 7(e)(3), limiting each Defendant's motion to 24 pages. Collectively, Defendants' Rule 12 Motions used 147 pages, which was 21 fewer pages than the 168 pages they were allotted by the Scheduling Order.

3. Plaintiffs' oppositions to the Rule 12 Motions are due on February 12, 2021.

4. The Scheduling Order similarly provides Plaintiffs with 24 pages for each of their oppositions to the Rule 12 motions, for a total of up to 168 pages.

5. Having reviewed Defendants' Rule 12 Motions, Plaintiffs believe that it will be most efficient for the parties and the Court if they respond to the Rule 12 Motions by filing a single omnibus opposition brief in response. Plaintiffs will limit their omnibus opposition brief to 95 pages, clearly noting which portions of the briefs they are responding to.

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 3

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

6. Defendants do not oppose Plaintiffs' request to respond to the Rule 12 Motions by a single omnibus opposition brief that is limited to 95 pages.

Now, therefore, the Plaintiffs' request, which Defendants do not oppose, to file an omnibus opposition brief limited to 95 pages should be granted.

ORDER

Having reviewed the parties' stipulation, and finding that good cause exists for the requested relief from LCR 7(e)(3), the Court hereby GRANTS the stipulation.

IT IS ORDERED that Plaintiffs may file a single omnibus opposition brief limited to 95 pages in response to Defendants' Rule 12 Motions.

DATED this 28th day of January, 2021.



Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE

Presented By:

KELLER ROHRBACK L.L.P.

By: s/ Amy Williams-Derry

By: s/ Lynn L. Sarko

By: s/ Gretchen Freeman Cappio

By: s/ Ian S. Birk

By: s/ Irene M. Hecht

By: s/ Nathan L. Nanfelt

Amy Williams-Derry, WSBA #28711

Lynn Lincoln Sarko, WSBA #16569

Gretchen Freeman Cappio, WSBA #29576

Ian S. Birk, WSBA #31431

Irene M. Hecht, WSBA #11063

Nathan Nanfelt, WSBA #45273

1201 Third Avenue, Suite 3200

Seattle, WA 98101

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 4

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Telephone: (206) 623-1900
Fax: (206) 623-3384
Email: awilliams-derry@kellerrohrback.com
Email: lsarko@kellerrohrback.com
Email: gcappio@kellerrohrback.com
Email: ibirk@kellerrohrback.com
Email: ihecht@kellerrohrback.com
Email: nnanfelt@kellerrohrback.com

By: s/ Alison Chase
Alison Chase, *pro hac vice* forthcoming
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Telephone: (805) 456-1496
Fax: (805) 456-1497
Email: achase@kellerrohrback.com

*Attorneys for Plaintiffs Nguyen et al., Pacific
Endodontics, et al., Chorak et al., Marler et al.,
McCulloch, et al., Caballero, La Cocina de
Oaxaca LLC, Owens Davies, P.S., and The
Seattle Symphony Orchestra*

RUIZ & SMART PLLC

By: s/ William C. Smart
By: s/ Isaac Ruiz
By: s/ Kathryn M. Knudsen
William C. Smart, WSBA #8192
Isaac Ruiz, WSBA #35237
Kathryn M. Knudsen, WSBA #41075
1200 5th Avenue, Suite 1220
Seattle, WA 98101
Telephone: (206) 203-1900
Email: wsmart@plaintiffllit.com
Email: iruiz@plaintiffllit.com
Email: kknudsen@plaintiffllit.com

*Attorneys for Plaintiffs Jennifer Strelow,
DMD and Shokofeh Tabaraie DDS PLLC*

HACKETT, BEECHER & HART

By: s/ Brent W. Beecher
Brent W. Beecher, WSBA #31095
601 Union Street, Suite 2600
Seattle, WA 98101

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 5

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Telephone: (206) 787-1830

Email: bbeecheer@hackettbeecheer.com

***Attorneys for Seattle Bakery, LLC, CSQBKR2018,
LLC, Piroshky Piroshky Baker, LLC,
Piroshky Baking Company, LLC,
SCRBKR2017, LLC***

THE LOYD LAW FIRM, P.L.L.C.

By: s/ Shannon Loyd

Shannon Loyd

12703 Spectrum Drive, Suite 201

San Antonio, Texas 78249

Telephone: (210) 775-1424

Facsimile: (210) 775-1410

Email: shannon@theloydlawfirm.com

Attorneys for Plaintiff J Bells LLC

**GORDON TILDEN THOMAS &
CORDEL LLP**

By: s/ Mark A. Wilner

Mark A. Wilner, WSBA #31550

One Union Square

600 University Street, Suite 2915

Seattle, WA 98101

Telephone: (206) 467-6477

Fax: (206) 467-6292

Email: [mailto:fcordell@gordontilden.c](mailto:mailto:fcordell@gordontilden.com)

om mwilner@gordontilden.com

***Attorneys for Plaintiffs Suneet Bath,
Noskenda Inc.***

**GORDON TILDEN THOMAS &
CORDEL LLP**

By: s/ Franklin D. Cordell

By: s/ Kasey D. Huebner

Franklin D. Cordell, WSBA #26392

Kasey D. Huebner, WSBA #32890

One Union Square

600 University Street, Suite 2915

Seattle, WA 98101

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 6

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

TELEPHONE: (206) 623-1900

FACSIMILE: (206) 623-3384

Telephone: (206) 467-6477
Fax: (206) 467-6292
Email: fcordell@gordontilden.com
Email: khuebner@gordontilden.com

Attorneys for Plaintiff The Seattle Symphony Orchestra

SIDLEY AUSTIN LLP

By: s/ Robin E. Wechkin
Robin E. Wechkin, WSBA No. 24746
8426 316th Place SE
Issaquah, WA 98027
Telephone: (415) 439-1799
Email: rwechkin@sidley.com

Yvette Ostolaza (pro hac vice)
Yolanda C. Garcia (pro hac vice)
2021 McKinney Avenue, Suite 2000
Dallas, Texas 75201
Telephone: (214) 981-3401
Facsimile: (214) 981-3400
Email: yvette.ostolaza@sidley.com
Email: ygarcia@sidley.com

Attorneys for Defendant Aspen American Insurance Company

DLA PIPER LLP (US)

By: s/ Anthony Todaro
By: s/ Lianna M. Bash
Anthony Todaro, WSBA No. 30391
Lianna Bash, WSBA No. 52598 701
Fifth Avenue, Suite 6900 Seattle,
Washington 98104-7029
Tel: 206.839.4800
Fax: 206.839.4801
E-mail: anthony.todaro@us.dlapiper.com
E-mail: lianna.bash@us.dlapiper.com

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: s/ H. Christopher Boehning
By: s/ Elizabeth M. Sacksteder
By: s/ Daniel H. Levi
By: s/ Hallie S. Goldblatt

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 7

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

H. Christopher Boehning (pro hac vice)
Elizabeth M. Sacksteder (pro hac vice)
Daniel H. Levi (pro hac vice)
Hallie S. Goldblatt (pro hac vice)
1285 Avenue of the Americas
New York, New York 10019-6064
Tel: 212.373.3000
Fax: 212.757.3990
E-mail: cboehning@paulweiss.com
E-mail: esacksteder@paulweiss.com
E-mail: dlevi@paulweiss.com
E-mail: hgoldblatt@paulweiss.com

***Attorneys for Defendants Valley Forge Insurance
Company, Transportation Insurance Company***

FORSBERG & UMLAUF, P.S.

By: s/ Matthew S. Adams
Matthew S. Adams
901 Fifth Avenue, Suite 1400
Seattle, WA 98164
Telephone: 206-689-8500
Fax: 206-689-8501
Email: madams@foum.law

STEPTOE & JOHNSON LLP

Sarah D. Gordon (*pro hac vice* forthcoming)
1330 Connecticut Avenue, NW
Telephone: (202) 429-3000
Facsimile: (202) 429-3902
Email: sgordon@steptoe.com

Anthony J. Anscombe (*pro hac vice*
forthcoming)
One Market Plaza
Spear Tower, Suite 3900
San Francisco, CA 94105
Telephone: (415) 365-6700
Facsimile: (312) 577-1370
Email: aanscombe@steptoe.com

***Attorneys for Defendants Sentinel Insurance
Company, Ltd. and Hartford Casualty Insurance
Company***

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 8

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

BAKER & HOSTETLER LLP

By: s/ James R. Morrison

James R. Morrison, WSBA No. 43043
999 Third Avenue, Suite 3900
Seattle, WA 98104-4040
Phone: (206) 332-1380
E-mail: jmorrison@bakerlaw.com

ALSTON & BIRD LLP

By: s/ Cari K. Dawson

Cari K. Dawson (pro hac vice)
Kara F. Kennedy (pro hac vice)
1201 W. Peachtree St.
Atlanta, GA 30309
Phone: (404) 881-7000
Email: cari.dawson@alston.com
Email: kara.kennedy@alston.com

*Attorneys for Defendants American Fire and
Casualty Company, The Ohio Casualty Insurance
Company, and Ohio Security Insurance Company*

BULLIVANT HOUSER BAILEY, PC

By: s/ John D. Bennett

John A. Bennett, WSBA #33214
Stuart D. Jones (pro hac vice)
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: john.bennett@bullivant.com
E-mail: stuart.jones@bullivant.com

WIGGIN AND DANA LLP

By: s/ Michael Menapace

Michael Menapace (pro hac vice)
Robyn Gallagher (pro hac vice)
20 Church Street
Hartford, Connecticut 06103
Tel.: (860) 297-3700
E-mail: mmenapace@wiggin.com
E-mail: rgallgher@wiggin.com

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 9

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Attorneys for Defendant Massachusetts Bay Insurance Company

By: s/ Daniel R. Bentson

By: s/ Owen R. Mooney

Daniel R. Bentson, WSBA #36825 Owen
R. Mooney, WSBA #45779
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: dan.bentson@bullivant.com
E-mail: owen.mooney@bullivant.com

ROBINSON & COLE LLP

By: s/ Wystan M. Ackerman

Wystan M. Ackerman (pro hac vice)
Stephen E. Goldman (pro hac vice)
280 Trumbull Street
Hartford, CT 06103
Telephone: (860) 275-8388
Email: wackerman@rc.com
Email: sgoldman@rc.com

Attorneys for Defendants Travelers Casualty Insurance Company of America, The Travelers Indemnity Co. of America, and The Charter Oak Fire Insurance Company

BULLIVANT HOUSER BAILEY, PC

By: s/ John A. Bennett

John A. Bennett, WSBA #33214
Stuart D. Jones (pro hac vice)
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: john.bennett@bullivant.com
E-mail: stuart.jones@bullivant.com

STEPTOE & JOHNSON LLP

By: s/ Antonia B. Ianniello

Antonia B. Ianniello (pro hac vice)
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 10

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

Telephone: (202) 429-8087
Facsimile: (202) 429-3902
Email: aianniello@steptoe.com

By: s/ Darlene K. Alt
Darlene K. Alt (pro hac vice)
227 West Monroe Street, Ste.
4700 Chicago, Illinois 60606
Telephone: (312) 577-1262
E-mail: dalt@steptoe.com

***Attorneys for Defendant Tri-State Insurance
Company of Minnesota***

4825-0742-0888, v. 2

STIPULATION AND PROPOSED ORDER ALLOWING
PLAINTIFFS TO FILE A SINGLE OMNIBUS OPPOSITION BRIEF
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;
2:20-cv-01176-BJR) - 11

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384